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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/484,918 06/07/95 MOORE

C NANO-001/0511
EXAMINER

ENG, D

ART UNIT PAPER NUMBER
7

E3M1/0708

COOLEY GODWARD CASTRO
HUDDLESON & TATUM
FIVE PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO, CA 94306

2315

DATE MAILED:
07/08/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 4/12/96 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 3 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 19-21, 65-67 & 71-79 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 19-21, 65-67 & 71-79 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit: 2315

Claims 19-21, 65-67 and 71-79 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Scope of limitation of the following claim language is not clear:

1. "a plurality of electronic devices of like type" in claim 19.

2. "--transistors--disposed to vary similarly to operating characteristics of transistors included within the microprocessor" in claim 65. It is not clear what "disposed" means. Note that transistors are gates. It appears that disposing them would not have the desired result recited in the claim.

With respect to claim 71, it is not clear what is meant by "--memory--operating synchronously with respect to said ring oscillator system clock". Note that the memory is coupled to the I/O interface and not to the processor or variable clock.

With respect to claim 66, it is not clear how buffering is related to the method for clocking the microprocessor recited in the preamble of parent claim 65. Claim 72 has similar defect.

With respect to claim 73, function of the transistors has not been recited. It is not seen how the transistors as recited is able to achieve the desired function recited in the "such that" clause. Claims 74 and 78 have similar defects.

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35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".

Claims 65-67, 72 and 78-79 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

The method steps as recited are not carried out or implemented by a machine or computer. The steps as recited appears to be carried out by or thoughts of a human being.

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to adequately teach how to make and use the invention.

The specification fails to disclose a plurality of transistors within the variable speed clock and the processor such that the transistors vary in the same way as a function of parameters of the substrate such as temperature, operating voltage and fabrication process of the substrate.

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Claims 65-67 and 72-79 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 19, 65, 73-74, 77 and 78 are rejected under 35 U.S.C. § 103 as being unpatentable over Sheets.

Claims 20-21, 71-72, 66-67, 75-76 and 79 are rejected under 35 U.S.C. § 103 as being unpatentable over Sheets in view of Schaire.

Detail of the rejection has already been set forth in the last Office action. The detail is incorporated herein by reference thereto.

Applicants contend that the processor and the clock shown in Figure 1 of Sheets are on separate chips. The Examiner disagrees. Sheets clearly indicates in lines 46-48 of column 2 that the system 100 shown in Figure 1 is fabricated on a single chip using MOS technology. Further, it is well known that components such as clock, microprocessor, ROM and RAM are fabricated on the same chip.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

A handwritten signature in black ink, appearing to read 'David Y. Eng', with a stylized, flowing script.

DAVID Y. ENG
PRIMARY EXAMINER
ART UNIT 232